

REMARKS

This Amendment and Response to the Non-Final Office Action is being submitted in response to the non-final Office Action mailed December 29, 2005. Claims 1-4 and 6-8 are pending in the Application.

Claims 1-4 and 6-8 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The drawings stand objected to under 37 C.F.R. 1.83(a) for not showing the "path identifier" recited in Claim 3. Finally, Claims 1-4 and 6-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bisson et al. (U.S. Pat. No. 6,965,619) in view of Lyon et al. (U.S. Pat. No. 5,920,705).

In response to these rejections and objections, Claims 1, 3, and 6 have been amended to further clarify the subject matter which Applicant regards as the invention. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments, reconsideration of the Application is respectfully requested in view of the following remarks.

Rejection of Claims 1-4 and 6-8 under 35 U.S.C. 112, first paragraph:

Claims 1-4 and 6-8 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, Examiner indicates that with regard to Claims 1 and 3 Applicant has not shown the "**predetermined data flow path**" and "**the predetermination made expressly for the grouping**" in the Specification.¹

In response to this rejection, Applicant has amended independent Claim 1 to recite:

¹ See Non-Final Office Action, December 29, 2005, p. 2.

1. A method for intelligent packet forwarding over a network, comprising:

providing virtual ports comprising a grouping of one or more STS-1s allocated to a **source client and a destination** client and an amount of bandwidth associated with the grouping;

assigning the grouping to a data flow path from a source **port of the source client** to a destination port **of the destination client**, wherein **the assigning of the grouping is done through one of a network management system connected to the source client and the destination clients and directly through the source client and the destination client**;

establishing the data flow path for the grouping from the source port to the destination port, **wherein the data flow path is established from a first virtual port at the source port to a second virtual port at the destination port**; and

wherein the routing in the network of the grouping of one or more STS-1s is independent of the virtual ports.

Likewise, Applicant has amended independent Claim 3 to recite:

3. An apparatus for intelligent packet forwarding over a network, comprising:

a grouping device that provides virtual ports comprising a grouping of one or more STS-1s allocated to a **source client and a destination** client and an amount of bandwidth associated with the grouping;

an assignment device that assigns the grouping to a data flow path from a source port **of the source client** to a destination port **of the destination client**, wherein **the assignment device assigns the grouping through one of a network management system connected to the source client and the destination client and directly through the source client and the destination client**;

forwarding rules for transporting data on a data flow path extending from said source port to said destination port and notifying each of said ports of said data flow path, **wherein the data flow path is established from a first virtual port at the source port to a second virtual port at the destination port**; and

wherein the routing in the network of the grouping of one or more STS-1s is independent of the virtual ports.

The substance of Claims 1 and 3 remains substantially as previously presented, but the terminology has been revised to agree more closely with that presented in the Specification.

Specifically, the Specification discloses a data flow path on page 1. Applicant has removed “*predetermined*” and “*predetermination*”. Instead, Applicant has disclosed that the grouping is done through a network management system connected to the source and destination clients or directly through the source and destination clients. This is disclosed in the Specification on p. 6, lines 25-27, and p. 7, lines 1-11.

Applicants have amended the providing step of Claim 1 and the grouping device of Claim 3 to agree more closely with the terminology presented in the Specification. In the providing step of Claim 1, Applicant has changed “*a virtual port*” to “*virtual ports*” and “*a particular client*” to “*a source client and a destination client*”. Likewise, Applicant has made a similar change in the grouping device of Claim 3.

Applicant has amended the assigning step of Claim 1 and the assignment device of Claim 3 to agree more closely with the terminology presented in the Specification. In the assigning step of Claim 1 and the assignment device of Claim 3, Applicant has added “*of the source client*” before a source port and “*of the destination client*” before a destination port. This limitation defines the relationship of the source and destination ports to the source and destination clients.

Applicant has amended the establishing step of Claim 1 and the forwarding rules of Claim 3 to agree more closely with the terminology presented in the Specification. Applicant has added the limitation “*the data flow path is established from a first virtual port at the source port to a second virtual port at the destination port*” to both the establishing step of Claim 1 and the forwarding rules of Claim 3. This limitation defines the data flow path and is fully disclosed in the Specification.

Finally, Applicant has amended Claim 6 to agree more closely with the terminology presented in the Specification. Claim 6 has been amended as follows: The method according to claim 1, wherein the grouping *of one or more STS-1s* is ***connected to*** a network access device.

In view of the amendments to Claims 1 and 3, and the arguments presented herein, Applicant submits that the rejection of Claims 1-4 and 6-8 as failing to comply with the written description requirement of 35 U.S.C. 112, first paragraph, has been traversed. Therefore, withdrawal of this rejection is respectfully requested.

Objection of Drawings under 37 C.F.R. 1.83(a):

The drawings stand objected to under 37 C.F.R. 1.83(a) for not showing the “path identifier” recited in Claim 3. Applicant has amended Claim 3 to remove the “*path identifier for identifying a data flow path*” and replaced it with “*forwarding rules for transporting data on a data flow path*”.

Applicant respectfully submits that Figure 3 of the Drawings illustrates a set of exemplary rules applied within the network for the forwarding of data as disclosed in the Specification on p. 5, lines 18-19, and Figure 3 of the Drawings.

In view of the amendment to Claim 3, and the arguments presented herein, Applicant submits that the objection to drawings under 37 C.F.R. 1.83(a) for not showing the “path identifier” recited in Claim 3 has been overcome. Therefore, withdrawal of this objection is respectfully requested.

**Rejection of Claims 1-4 and 6-8 under 35 U.S.C. 103(a) over Bisson et al. in view of
Lyon et al.:**

Claims 1-4 and 6-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bisson et al. (U.S. Pat. No. 6,965,619) in view of Lyon et al. (U.S. Pat. No. 5,920,705).

Examiner states that Bisson et al. disclose “*providing a virtual port comprising a grouping of one or more STS-1s*” in the Mapper/Aggregator 10 in Figure 2.² Applicant respectfully disagrees. The Mapper/Aggregator 10 teaches the mapping of client data into a SONET payload and aggregating the client STS-1's into a composite STS payload.³ The Mapper/Aggregator 10 does not teach a virtual port.

Bisson et al. do not teach providing virtual ports comprising a grouping of one or more STS-1s and wherein the routing in the network of the grouping of one or more STS-1s is independent of the virtual ports. Bisson et al. teach allocating a reconfigurable number of STS-1s to each client.⁴

Bisson et al. in view of Lyon et al. do not teach virtual ports over a grouping of one or more STS-1s and independent routing of the STS-1s from the virtual ports. Applicant has amended independent Claims 1 and 3 to recite the limitation: ***wherein the routing in the network of the grouping of one or more STS-1s is independent of the virtual ports.***

In view of the amendments to Claims 1, 3, and 6, and the arguments presented herein, Applicant submits that the rejection of Claims 1-4 and 6-8 as being unpatentable over Bisson et al. in view of Lyon et al. has been traversed. Therefore, withdrawal of this rejection is respectfully requested.

² See Non-Final Office Action, December 29, 2005, p. 4.

³ See U.S. Pat. No. 6,965,619, Col. 3, lines 50-52 and lines 60-63.

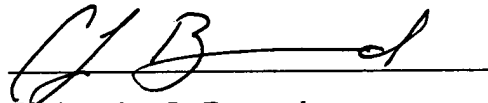
⁴ See U.S. Pat. No. 6,965,619, Abstract.

CONCLUSION

Applicant would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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